

Apr 22, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

REGINALD BELL, SR.,

Plaintiff,

v.

JOHN TURNER, BARBARA MINOR and
RICHARD JOHNSON,

Defendants.

4:18-cv-05186-SAB

**ORDER DENYING LEAVE TO
PROCEED *IN FORMA*
PAUPERIS AND DISMISSING
ACTION**

By Order filed January 18, 2019, the Court directed Plaintiff to show cause why his application to proceed *in forma pauperis* should not be denied. ECF No. 9. In the alternative, Plaintiff was instructed that he could pay the \$400.00 fee (\$350.00 filing fee, plus \$50.00 administrative fee) to commence this action under 28 U.S.C. § 1914. He did not do so.

Plaintiff, a *pro se* prisoner currently housed at the Cedar Creek Corrections Center in the Western District of Washington, has brought at least three other cases which were dismissed as frivolous, malicious or for failure to state a claim. *See* ECF No. 9 at 2. Consequently, he lost the privilege of filing additional suits *in forma pauperis* unless he could demonstrate that he is “under imminent danger of

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1 serious physical injury.” 28 U.S.C. § 1915(g); *Andrews v. Cervantes*, 493 F.3d
2 1047, 1053 (9th Cir. 2007). Plaintiff did not make this showing.

3 Therefore, **IT IS ORDERED** Plaintiff’s application to proceed *in forma*
4 *pauperis*, ECF No. 2, is **DENIED**. Because Plaintiff did not pay the \$400.00 fee as
5 instructed in the Court’s prior Order, **IT IS FURTHER ORDERED** this action is
6 **DISMISSED** for non-payment of the filing fee as required by 28 U.S.C. § 1914.

7 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
8 enter judgment, forward a copy to Plaintiff, and close the file. The Court certifies
9 any appeal of this dismissal would not be taken in good faith.

10 **DATED** this 22nd day of April 2019.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

17 Stanley A. Bastian
18 United States District Judge
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